

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, APRIL 20, 1993
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:07 a.m. Council Member Stevens welcomed the students from Boone Elementary School. Mayor Golding recessed the meeting at 11:35 a.m. The meeting was reconvened by Mayor Golding at 11:45 a.m. with Council Member Hartley not present. Mayor Golding recessed the meeting at 12:35 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Golding at 2:13 p.m. with Council Member Hartley not present. Mayor Golding adjourned the meeting at 3:54 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Stevens-present
- (5) Council Member Behr-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present
- Clerk-Abdelnour/Fishkin (mc/11)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor Golding-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-not present
- (4) Council Member Stevens-present
- (5) Council Member Behr-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

PUBLIC COMMENT:

None.

COUNCIL COMMENT:

None.

ITEM-115: (R-93-1523) CONTINUED TO APRIL 26, 1993

A Resolution approved by the City Council in Closed Session on Tuesday, March 23, 1993 by the following vote: Wolfsheimer-nay; Roberts-yea; Hartley-yea; Stevens-nay; Behr-nay; Stallings-nay; McCarty-yea; Vargas-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$41,500 toward settlement of Superior Court Case No. 646524, City of San Diego v. American Newland Associates, et al., a condemnation action to acquire the real property necessary for a park and ride facility located at Carmel Mountain Road in the community of Rancho Penasquitos; authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$41,500 from the Rancho Penasquitos East FBA Account No. 79-004 to CIP-52-415.0, Park and Ride--Carmel Mountain Road and Penasquitos Boulevard; authorizing the City Auditor and Comptroller to expend the amount of \$41,500 from CIP-52-415.0, by the issuance of Warrant Check 2197860 in the amount of \$41,500, made payable to American Newland Associates. (Rancho Penasquitos Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: Council voted in closed session to approve the expenditure of \$41,500 to American Newland Associates for the acquisition of real property for a park and ride facility in Rancho Penasquitos. This amount will complete the condemnation action in Superior Court Case No. 646524 and includes interest payments. Any subsequent contributions to this payment from CalTrans and/or MTDB will be returned to the Rancho Penasquitos FBA.

Aud. Cert. 9300932.

FILE LOCATION:

COUNCIL ACTION: (Tape location: E012-030.)

MOTION BY ROBERTS TO CONTINUE TO APRIL 26, 1993 FOR FULL COUNCIL. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-118: CONTINUED TO APRIL 26, 1993

Two actions relative to G Street/State Route 94 HOV Lane:
(Centre City Community Area. District-2.)

Subitem-A: (R-93-1645)

Authorizing the acceptance of a 1993 Traffic Management Plan Grant from the California Department of Transportation in the amount of \$707,000 for the G Street/State Route 94 HOV Lane;

authorizing the execution of an agreement with the California Department of Transportation for the construction of G Street/State Route 94 HOV Lane; authorizing the City Auditor and Comptroller to establish Capital Outlay Grant Fund No. 38521, G Street/State Route 94 HOV Lane; modifying the FY 1993 Capital Improvements Program by adding \$707,000 to CIP-52-562.0, G Street/State Route 94 HOV Lane.

Subitem-B: (R-93-1647)

Authorizing the execution of an agreement with Boyle Engineering, for professional design services for the design of the G Street/State Route 94 HOV Lane;

authorizing the expenditure of an amount not to exceed \$65,240 from CIP-52-562.0, Capital Outlay Grant Fund No. 38521, for the purpose of providing funds for the above project.

CITY MANAGER SUPPORTING INFORMATION: Capital Improvement Project CIP-52-562.0 provides for the design and construction of a High Occupancy Vehicle (HOV) lane along G Street to State Route 94. G Street is the primary access roadway to the Martin Luther King Freeway (State Route 94) from downtown San Diego. The project will consist of restriping G Street for the HOV lane, relocation and modification of the existing CalTrans on ramp meters, the installation of a CHP enforcement pad, and minor public improvements to the bus stops and other facilities along G Street. By facilitating and encouraging carpools, this project will be consistent with the goals of SANDAG's Congestion Management Program and the California and Federal Clean Air Acts. In accordance with Council Policy 300-7 and Administrative Regulation 25.60, the Consultant Coordinator provided the names of five firms on the "As-Needed" list for consideration. Interviews were conducted on March 1, 1993 with Boyle Engineering being recommended for professional services. Fee negotiations were consummated on March 12, 1993 resulting in mutually acceptable terms and conditions including base fee of \$51,649 and additional services of \$13,591. Boyle Engineering has 28 percent MBE and 32 percent WBE sub-consultant participation for this project.

Aud. Cert. 9300956.

FILE LOCATION:

COUNCIL ACTION: (Tape location: E036-049.)

MOTION BY ROBERTS TO CONTINUE TO APRIL 26, 1993 FOR FURTHER REVIEW. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-330: (O-93-126) INTRODUCED, TO BE ADOPTED MAY 24, 1993

Introduction of the Public Safety Ordinance, proposed by Mayor Susan Golding, for the addition of 408 police officers over the next five fiscal years, and providing for the method of funding:

Expressing direction to the City Manager that in the

preparation of the Fiscal Year 1994 through Fiscal Year 1998 proposed budgets, the budget should include an allocation of the sum equal to a percentage of the annual growth in property tax and sales tax revenues and a sum equal to a percentage of Transient Occupancy Tax revenues for additional police officers according to the following formulas:

- (a) Fiscal Year 1994 - 1) a sum equal to 27 percent of the annual growth in the revenues derived from existing property taxes and sales taxes; and 2) a sum equal to 50 percent of 1/9th of the current Transient Occupancy Tax revenues;
- (b) Fiscal Years 95, 96, 97 and 98 - 1) a sum equal to 38 percent of the annual growth in the revenues derived from existing property taxes and sales taxes in Fiscal Years 95, 96, 97 and 98; and 2) a sum equal to 1/9th of the current Transient Occupancy Tax revenues in Fiscal Years 95, 96, 97, and 98;

Adopting the performance based measurement of public safety effectiveness as proposed in City Manager's Report CMR-93-72;

Reaffirming the City Council's action to dedicate for the next five fiscal years the annual savings associated with the new paramedic contract for the purpose of securing new police officers;

Declaring that a sum equal to the amount of Solid Waste Facility Fees ("Host Fees") (as set forth in Resolution R-281334, adopted January 11, 1993) shall be utilized as a contribution toward funding additional police officers;

In the event the "Host Fees" are not implemented, the City Manager is directed to allocate a sum equal to 1/9th of the Transient Occupancy Tax revenues for Fiscal Year 1994 instead of the 50 percent of 1/9th for Fiscal Year 1994;

Establishing and adopting a policy to capture growth from existing property and sales tax growth beyond the City Manager's projections for the sole purpose of hiring additional police officers toward the stated goal of 408 new officers;

It is the intent of the City Council that there be no new taxes as a result of this proposal; This ordinance shall be of no further force and effect after June 30, 1998.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A053-C099.)

Motion by Roberts to trail this item until the budget hearing is held. Second by Hartley. Failed. Yeas-1,2,3,5. Nays-4,6,7,8,M. Not present-none.

MOTION BY VARGAS TO ACCEPT THE CITY MANAGER'S REPORT AND INTRODUCE THE PUBLIC SAFETY ORDINANCE. ACCEPT COUNCIL MEMBER BEHR'S AMENDMENT TO DIRECT THE CITY MANAGER TO PROVIDE COUNCIL WITH A REPORT ON THE ALLOCATION OF ADDITIONAL POLICE OFFICERS AND REFER THE REPORT TO PS&S FOR DISCUSSION. Second by Stevens. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-nay, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331: PRESENTED

The City Manager presents the Fiscal Year 1994 Proposed Budget document to the Mayor and City Council.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E051-G238.)

THE CITY MANAGER PRESENTED THE PRELIMINARY BUDGET FOR FISCAL YEAR 1994. MAYOR GOLDING SUGGESTED THAT EACH COUNCIL MEMBER SUBMIT THEIR QUESTIONS AND/OR SUGGESTIONS REGARDING THE BUDGET IN WRITING TO THE MANAGER AS SOON AS POSSIBLE IN PREPARATION FOR THE NEXT BUDGET HEARING.

ITEM-332: HEARING DENIED

The matter of the request of Nancy Hood Nolan for a hearing of an appeal from the decision of the Planning Commission in granting LJC/CDP/SCR-91-0229 for a 3,989-square-foot addition to an existing two-story, single-family residence with legal, nonconforming

status, and construction of a new seawall along the westerly property line.

A variance to Section 103.1206 of the Municipal Code is requested to allow the seawall structure to encroach into the rear yard setback. A variance to Section 103.1206 is requested to allow additional encroachment into the front yard. The project is located at 260 Coast Boulevard, in La Jolla Planned District Zone 5, within the La Jolla Community Plan area.

(LJC/CDP/SCR-91-0229. District-1.)

A motion granting or denying the request for a hearing of the appeal.

FILE LOCATION: PERM - LJC/CDP/SCR-91-0229

COUNCIL ACTION: (Tape location: A035-052; D194-201.)

MOTION BY WOLFSHEIMER TO DENY THE REQUEST FOR A HEARING ON THE BASIS THAT THE PROJECT FAILS TO MEET ANY OF THE SIX CONDITIONS REQUIRED TO HEAR THE APPEAL. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-yea.

MOTION BY McCARTY TO RECONSIDER THE ITEM. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

MOTION BY STALLINGS TO DENY THE REQUEST FOR A HEARING ON THE BASIS THAT THE PROJECT FAILS TO MEET ANY OF THE SIX CONDITIONS REQUIRED TO HEAR THE APPEAL. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-333:

Two actions relative to the Tierrasanta Facilities Benefit Assessment:
(See City Manager Report CMR-93-27. District-7.)

Subitem-A: (R-93-1216) ADOPTED AS RESOLUTION R-281793

Designating an area of benefit in Tierrasanta;

confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to the Public Facilities Projects; the method for apportioning the costs of the public facilities projects among the parcels within the area of benefit and the amount of the facilities benefit assessments charged to each parcel; the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments; and ordering of the proposed public facilities project in the matter of the Tierrasanta Facilities Benefit Assessment Area.

Subitem-B: (R-93-1217) ADOPTED AS RESOLUTION R-281794

Declaring the assessment fee schedule contained in the Tierrasanta Public Facilities Financing Plan to be an appropriate and applicable development impact fee for all properties within the Tierrasanta Community that have either never been assessed under the Tierrasanta Public Facilities Financing Plan or have not otherwise agreed to the payment of Facilities Benefit Assessment fees as prescribed by the City Council.

FILE LOCATION: STRT - FB-10

COUNCIL ACTION: (Tape location: A026-034.)

Hearing began at 10:09 a.m. and halted at 10:10 a.m.

MOTION BY McCARTY TO ADOPT. Second by Vargas. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-334:

Two actions relative to the Division Street (I-5 to 43rd Street) Underground Utility District:
(Southcrest Community Area. District-8.)

Subitem-A: (R-93-1394) ADOPTED AS RESOLUTION R-281795

Establishing the Division Street (I-5 to 43rd Street) Underground Utility District.

Subitem-B: (R-93-1395) ADOPTED AS RESOLUTION R-281796

Authorizing the expenditure of an amount not to exceed \$29,000 from Annual Allocation - Undergrounding of City Utilities, CIP-37-028.0, Capital Outlay 30245, for the purpose of administering the Division Street (I-5 to 43rd Street) Underground Utility District, minor City Force work and other related work.

CITY MANAGER SUPPORTING INFORMATION: The proposed district will underground the overhead utility facilities on Division Street between I-5 and 43rd Street. This is a scheduled project in the calendar year 1993 Capital Improvements Program. The formation of this district will require the affected property owners to underground the portion of their utilities on their parcel prior to removal of the overhead utilities. Council Policy 800-2 provides for the use of San Diego Gas & Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners based on the length of their electrical service trench. A future resolution will establish the date for removal of overhead utilities as the undergrounding work approaches completion.

Aud. Cert. 9300804.

FILE LOCATION: STRT - K-215

COUNCIL ACTION: (Tape location: A026-034.)

Hearing began at 10:09 a.m. and halted at 10:10 a.m.

MOTION BY McCARTY TO ADOPT. Second by Vargas. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-335: CONTINUED TO APRIL 27, 1993

Consideration of a request, by Calbiochem Corporation, for a Community Plan and North City Local Coastal Program Amendment, Planned Industrial Development Permit, PID-89-0928 and Coastal Development Permit CDP-89-0928 (Balit-CBC). The project proposes to construct an additional 163,000 square feet of gross industrial floor area and related site improvements (including expanded site landscaping and off-street parking) to an existing scientific research and office facility on a 16-acre site located on the east side of North Torrey Pines Road, between Science Park Road and Callan Road. The project site is legally described as

Lot 1 of Torrey Pines Science Park, Unit No. 1, Map-6220. The SR (Scientific Research) zoned site is located within the University Community Planning Area.

An amendment to the adopted University Community Plan and the City of San Diego North City Local Coastal Program is required to implement the proposed increase in site density. The project site/development is located in the City of San Diego Coastal Zone and therefore the City Council's decision requires amending the City's Local Coastal Program. As a result, the final decision regarding this project will be with the California Coastal Commission. The City of San Diego must submit this application as an amendment for certification to the Coastal Commission. The amendment is not effective in the coastal zone until the Coastal Commission unconditionally certifies the amendment. If you wish to be noticed of the Coastal Commission hearing on this issue, you must submit a request in writing to Mike Westlake of the Planning Department, 202 "C" Street, MS 660, San Diego, CA 92101-3862, F(619)533-3647 before the close of the City Council public hearing.

(CP & NCLCP AMENDMENT/CDP/PID-89-0928. District-1.)

Subitem-A: (R-93-)

Adoption of a Resolution certifying that the information contained in Supplemental Environmental Impact Report DEP-89-0928 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-93-)

Adoption of a Resolution amending the University Community Plan and the City of San Diego North City Local Coastal Program.

Subitem-C: (R-93-)

Adoption of a Resolution granting or denying the Coastal Development Permit.

Subitem-D: (R-93-)

Adoption of a Resolution granting or denying the
Planned Industrial Development Permit.

FILE LOCATION: Subitems A & D: PERM - PID-89-0928;
Subitem B: LAND - University Community Plan;
Subitem C: PERM - CDP-89-0928

COUNCIL ACTION: (Tape location: C113-D193.)

Hearing began at 11:45 a.m. and halted at 12:33 p.m.

Testimony in favor by Jeffrey Taxson, Ron Phillips and Terry Bibbens.

Testimony in opposition by George W. Lattimer, Dave Odell and Dave Hogan.

MOTION BY WOLFSHEIMER TO CONTINUE TO APRIL 27, 1993 FOR FURTHER REVIEW OF THE CONDITIONS. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-nay, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-336: CONTINUED TO MAY 4, 1993

(Continued from the meeting of March 30, 1993, Item 331, at the Applicant's attorney's request, for further review.)

Matter of consideration of a Tentative Map TM-92-0608 (Park in the Valley) and an amendment to the First San Diego River Improvement Project (FSDRIP) Specific Plan (350336) for the Park in the Valley project in Mission Valley. The 39.8-acre site is located on the north side of Camino de la Reina between Mission Center Road and Camino del Este. The site is zoned MV-M/SP and is designated for office, retail and hotel development by the FSDRIP Specific Plan.
(TM-92-0608. District-6.)

Subitem-A: (R-93-1425)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report DEP-92-0608 (Addendum to EIR-80-0341) has been completed in compliance with the California

Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council.

Subitem-B: (R-93-)

Adoption of a Resolution approving or denying the Tentative Map amendment, with appropriate findings to support Council action.

Subitem-C: (R-93-1424)

Adoption of a Resolution approving an amendment to FSDRIP.

CITY MANAGER SUPPORTING INFORMATION: The proposed project is an amendment to the First San Diego River Improvement Project (FSDRIP) Specific Plan and ten-lot Tentative Map for the Park in the Valley site in Mission Valley. The amendment would add flexibility to the specific plan to permit a mixed use commercial or retail development on the 39.8 gross acre (22.5 net acre) site. The project is also the subject of a bankruptcy case.

FILE LOCATION: Subitems A & C: LAND - FSDRIP Specific Plan;
Subitem B: SUBD - Park in the Valley

COUNCIL ACTION: (Tape location: A017-025.)

MOTION BY STALLINGS TO CONTINUE TO MAY 4, 1993 AT THE REQUEST OF THE APPLICANT FOR FURTHER REVIEW. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-CS-1: (R-93-1664) ADOPTED AS RESOLUTION R-281797

A Resolution adopted by the City Council in Closed Session on April 20, 1993:

Authorizing the City Manager to pay the sum of \$22,522.05 in the settlement of each and every claim against the City of San Diego, its agents and employees resulting from the personal injury and property damage claims of Crystal Dawn Buck; authorizing the City Auditor and Comptroller to issue one check in the amount of \$17,500.00, made payable to Crystal Dawn Buck and her Attorney, G. Mark Tarpin; and a second check in the amount of \$5,022.05 made payable to State Farm Mutual Automobile Insurance Company, in full

settlement of all claims.

Aud. Cert. 9300958

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 3:54 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: G245).